

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

NETLIST, INC.,

Plaintiff,

v.

MICRON TECHNOLOGY, INC., MICRON SEMICONDUCTOR PRODUCTS, INC., AND MICRON TECHNOLOGY TEXAS LLC,

Defendants.

CIVIL ACTION NO. 2:22-cv-00203

JURY TRIAL DEMANDED

**DEFENDANTS' UNOPPOSED MOTION TO TEMPORARILY
CHANGE LEAD COUNSEL DESIGNATION**

The Court has set a hearing on May 23, 2023, regarding a discovery motion filed by Netlist. Pursuant to Judge Gilstrap's Standing Order Regarding Meet and Confer Obligations Relating to Discovery Disputes, "unless excused by the Court, each party's lead attorney shall attend any discovery motion hearing set by the Court." Defendants' lead counsel, Tom Melsheimer, while having participated in the required attorney conferences relating to the motion set for hearing, is currently involved in intensive pretrial preparation in *Alphatec Spine, Inc. v Nuvasive, Inc. et al*; Lead Case No. 37-2017-00038583-CU-BT-CTL; Superior Court of the State of California, County of San Diego, a complex, multi-jurisdictional, unfair competition case between medical device competitors which has been called to trial for June 5, 2023. Mr. Melsheimer only recently became involved in that case, though before the setting of this hearing, and will serve as lead trial counsel for Alphatec. To adequately prepare for and meet his trial responsibilities in that case, which is expected to last through June 30, 2023, Mr. Melsheimer will have difficulty personally attending the May 23 hearing or meaningfully participating in other lead counsel conferences that may be required in this case in the weeks following the hearing. To

avoid injecting delay into this case occasioned by Mr. Melsheimer's trial commitments, Defendants seek the Court's permission to temporarily change their lead counsel designation until June 30, 2023, to Michael Rueckheim. Like Mr. Melsheimer, Mr. Rueckheim is a partner with Winston & Strawn and has been materially involved in the development of this case since Defendants' first appearance, including the parties' conferences for the motion set for hearing on May 23. Mr. Rueckheim is chair of Winston & Strawn's litigation practice for the firm's Silicon Valley office and is fully admitted to practice in Texas and this District.

Accordingly, Defendant respectfully requests that the Court excuse Mr. Melsheimer from the May 23 hearing and allow Mr. Rueckheim to temporarily act as lead counsel for Defendants at the May 23 hearing and until June 30, 2023, because of Mr. Melsheimer's conflicting trial obligations.

A proposed order is submitted herewith.

Dated: May 16, 2023

Respectfully submitted,

By: /s/ Thomas M. Melsheimer by permission
Wesley Hill

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served on all counsel of record by email on this 16th day of May, 2023.

/s/ Wesley Hill

CERTIFICATE OF CONFERENCE

The undersigned hereby certifies pursuant to Local Rule CV-7(h) that the relief requested in this motion is unopposed.

/s/ Wesley Hill